

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, July 18, 2007, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, July 11, 2007 Worksession

Action: Approved (WMH/CLH, 4-0)

2. **CBA-1337, (CBA-1337-A, CBA-1748, CBA-2573, S-11, S-185, S-386, S-386-A, S-778), Petition of Bethesda Country Club** (golf course/country club). Letter to the Board from Harry Lerch, Esquire, and Stuart Barr, Esquire, requesting an administrative modification. (Large exhibits: natural resource inventory (2 pages), existing conditions (2 pages), proposed conditions (2 pages), stormwater management (2 pages), landscape and lighting plan (2 pages), elevations).

Action: Granted administrative modification subject to approval by M-NCPPC of a forest conservation plan (CGT/WMH, 4-0).

3. **CBA-2924, Petition of RMC Partnership** (medical and dental clinic). Letters to the Board from Jane Ho, Esquire, and Benjamin Akintan Rph., requesting a transfer and an administrative modification. (Large exhibits: cover sheet, existing and demolition plan, modification elevations, construction details, survey).

Action: Item deferred for additional information, consensus.

4. **S-922, Petition of Hwa Ji Golden** (accessory apartment). Memorandum from Bernard Marra, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule Show Cause Hearing (CLH/WMH, 4-0).

5. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Letter from James Dodwell, Co-Chairman, requesting an administrative modification.

Action: Item deferred for detailed drawings, information regarding whether membership will increase, information regarding whether the administrative modification will be subject to the forest conservation requirements, and information regarding whether the special exception parking area will increase, consensus.

6. **S-2248, Petition of National Capital Presbytery, Inc.** (group home). Letter from Reverend J. Currie Burns, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned (CGT/WMH, 4-0).

7. **S-2588, Petition of Onkar Sharma and Rajesh Bhandari** (non-resident professional office). Letter from the petitioner requesting a name change in the holder of the special exception. Also included is an inspection report from Barbara Piczak, Inspector, DPS.

Action: (1) Ms. Piczak informed Board that the special exception holder has abated all violations; (2) granted the administrative modification (WMH/CLH, 4-0).

8. **ZAS-239, Petition of Richard D. Durham** (non-commercial riding stable). Letter from the petitioner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned (CLH/WMH, 4-0).

DECISION ITEM:

9. **S-2688, Petition of Deborah K. Prettyman** (major home occupation). Hearing Examiner's Report and Recommendation. Also included is a request for Oral Argument from Emily Vaia, Esquire, and Heather Dhopolsky, Esquire.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions and a revision to Condition No. 5; (3) granted the condition in the Oral Argument request (???) (4-0).

PENDING ITEMS:

10. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07].
11. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07. [Pre-hearing Conference held on 3/14/07.]
12. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution) Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation [W/S 5-31-06]. (1) Re-opened the record to include Mr. Smith's letter; (2) record will remain open until 5/15/07 to receive the required site plan; (3) administrative modification will be dismissed upon non-receipt of the required site plan after 5/17/07 [W/S 4/18/07]
13. **S-232, Petition of R. P. Patton & Sons, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Melvin Laney requesting an inspection of the special exception and a public hearing. (1) Re-opened the record to include the letter from Mr. Laney; (2) Board to request DPS to inspect the special exception and provide the Board with an inspection report [W/S 4/18/07].
14. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan) (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff for review of administrative modification request [W/S 2/18/04].
15. **S-671, Petition of Randolph Building Limited Partnership** (off-street parking). Letter to the Board from Ronald Bolt, Esquire, requesting an administrative modification [W/S 4/18/07]. BOA (1) Granted the transfer of the special exception; (2) Board to be notified by the petitioner by 6/10/07 that all violations have been abated; (3) DPS to inspect to determine if a Show Cause Hearing will be required. Re-opened the record to include Mr. Bolt's letter. Item deferred for petitioner to submit a revised site plan with the revised parking configuration that includes a handicap ramp and plantings [W/S 6/27/07].
16. **S-2328, Petition of Judith Himmelfarb** (accessory apartment). Letter to the Board from Ariel De notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred until confirmation that the accessory apartment's kitchen has been removed [W/S 7/26/06].

PENDING ITEMS (continued):

17. **S-2685, Petition of Avalon Education Group, Inc.** (private educational institution). Hearing Examiner's Report and Recommendation. Item deferred for a revised site plan and additional information on the traffic associated with the sports teams [W/S 7/11/07].

Board Members

Allison Ishihara Fultz, Chair
Donna L. Barron, Vice Chair - ABSENT
Wendell M. Holloway
Caryn L. Hines
Catherine G. Titus

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director
Hermene Jones, Administrative Specialist

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WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, July 18, 2007, 9:30 a.m.

ACTION ITEM:

1. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following cases:
 - (a) **A-6185, Appeal of Carol Ann Placek** (Department of Permitting Issuance of Building Permit No. 423918). Hearings held on 3/14/07, 5/2/07, 6/6/07.
 - (b) **A-6205, Appeal of Randolph Buildings Limited Partnership by Allen R. Kronstadt**. Hearing 5/30/07.

Action: Granted Orders Extending Time (WMH/CGT, 4-0)

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